IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 24371 of 2001

Between:

1. Rachakonda Rajamallaiah, S/o. Ramaiah,
   R/o. H.No.8-2-68/4, Shivajinagar,
   Siddipet, Medak District.
2. Gunnala Srinivas, S/o. Yadagiri,
   R/o. H.No.8-2-67/5, Shivajinagar,
   Siddipet, Medak District.
3. Bachu Ramchander, S/o. Rajaiah,
   R/o. Bibipet Village and Mandal, Medak District.
4. Goli Ramesh, S/o. Jagadeshwaraiah,
   R/o. H.No.2-2-5/8, Karimnagar Road,
   Siddipet, Medak District.

..... PETITIONERS

AND

1. Andhra Pradesh State Wakf Board, Rep. by C.E.O.
   Exhibition Grounds, M.J. Road, Hyderabad.
2. The District Collector,
   Medak District, at Sanga Reddy, Medak District.
3. The Revenue Divisional Officer (R.D.O.),
   Siddipet, Medak District.
4. Mandal Revenue Officer (M.R.O.),
   Siddipet Mandal, Siddipet, Medak District.
5. The Sub-Registrar,
   Registration Office, Siddipet, Medak District.
6. The Deputy Superintendent of Police (D.S.P.),
   Siddipet, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the order passed by the respondent no.3 addressed to respondent No.5/The Sub-Registrar in his letter No.A/4139/2001 dated 5-11-2001, directing the respondent No.5 not to register any sale deed regarding S.No.1471 and 1476 situated at Siddipet, Medak District if presented for registration on the ground that the said lands are Wakf lands and the Muthawallis are unauthorisedly selling the wakf land for their benefits, is null, void, arbitrary, without any jurisdiction and politically motivated and to set aside the same.

Counsel for the Petitioner: MR.M.A.BARI

Counsel for the Respondent No.1: MR.A.M.QURESHI

Counsel for the Respondent No.2 to 4:Govt. Pleader for Revenue

Counsel for the Respondent No.5 & 6: None appeared.

The Court made the following :

ORDER:

Aggrieved of the letter dated 5.11.2001 addressed by the third respondent to the 5th respondent requesting him not to register any land in Sy. No. 31, 1471 and 1476 situated at Siddipet village, as they are wakf lands, the present writ petition is filed.

It is stated that when the third respondent came to know that the muthavallies holding the wakf land under their possession, in the above Sy. Nos. are selling away the wakf land for their own benefit unauthorisedly, he has issued the impugned order, with a view to stop unauthorised sales.

The counter filed by the third respondent shows that where the inams are held by or for the benefit of Charitable and Religious Institutions,

no person shall be entitled to be registered as an occupant under Sec. 5, 6,7 and 8 and where any person other than the concerned Charitable or Religious Institutions has been registered as an occupant under Sec. 5,6,7 and 8, after the commencement of the A.P. (T.A.) Abolition of Inams (Amendment) Act, 1985, such a registration shall be deemed to be null and void and no effect shall be given to such registration except where such a registration is for the benefit of Charitable and Religious Institutions. Since the impugned order was issued with a view to protect the wakf property in the interest of Wakf Board, I see no reason to interfere with the impugned order. Consequently, the writ petition fails and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

July 7, 2005

MAS.

To

1. The C.E.O., The Andhra Pradesh State Wakf Board,
   Exhibition Grounds, M.J. Road, Hyderabad.
2. The District Collector,
   Medak District, at Sanga Reddy, Medak District.
3. The Revenue Divisional Officer (R.D.O.),
   Siddipet, Medak District.
4. Mandal Revenue Officer (M.R.O.),
   Siddipet Mandal, Siddipet, Medak District.
5. The Sub-Registrar,
   Registration Office, Siddipet, Medak District.
6. The Deputy Superintendent of Police (D.S.P.),

Siddipet, Medak District.

7. Two CCs to the Govt. Pleader for Revenue, A.P. High Court Buildings, Hyderabad.

8. 2 CD copies

9. 1 CC to MR.BARI

*Form-NIC-OGS/WP{**PRASAD**}*